

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

Robert CARSWELL, et. al,

Plaintiffs,

v.

STATE OF GEORGIA, et. al,

Defendants.

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CIVIL ACTION NO. 5:10-CV-183 (MTT)

ORDER

This matter is before the Court, *sua sponte*, on review of the pro se Plaintiffs' Complaint (Doc. 1). The Plaintiffs have not paid the filing fee or requested to proceed without prepayment of the filing fee or security pursuant to 28 U.S.C. § 1915(a). Because the Plaintiffs have not paid the filing fee, the Court will assume they wish to proceed in forma pauperis.

Pursuant to 28 U.S.C. § 1915(a), a district court must determine whether the statements contained in a financial affidavit satisfy the requirement of poverty. *Martinez v. Kristi Cleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004). "[A]n affidavit will be held sufficient if it represents that the litigant, because of his poverty, is unable to pay for the court fees and costs, and to support and provide necessities for himself and his dependents." *Id.*

Assuming the Plaintiffs may proceed in forma pauperis, the Court is required to dismiss the case if it (1) is frivolous or malicious, (2) fails to state a claim on which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

The Plaintiffs complain that they “have suffered constitutional violations” and, thus, the Court has construed this action as being brought pursuant to 42 U.S.C. § 1983. The Plaintiffs’ Complaint is based on conclusory allegations that they suffered “illegal imprisonment” and “cruel and unusual punishments from . . . defendants.”

Review of the Plaintiffs’ Complaint reveals that it is frivolous. Plaintiff Carswell is no stranger to the Court. He has filed approximately 40 lawsuits in the Middle District of Georgia. Despite his experience in legal matters, he thought it was appropriate to attach the phrase “Git N Where You Fit N/ Don’t Be Hating/ Be Congratulating/ Be Celebrating/ United States of America” to his Complaint. It is not clear why this phrase was included in the Complaint, but its inclusion suggests that Carswell does not take representations before the Court seriously.

Further, the Court notes that vague and conclusory allegations are insufficient to state a civil rights claim. *Fullman v. Graddick*, 739 F.2d 553, 556-57 (11th Cir. 1984). However, even if the Plaintiffs provided more specific information about their claims, this action still must be dismissed because the State of Georgia and the Bibb County Superior Court are not entities subject to suit. A state is not a “person” subject to Section 1983 liability. *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 (1989). Additionally, claims against Georgia superior courts are barred by the Eleventh Amendment. *Stegeman v. Georgia*, 290 Fed. Appx. 320, 322-23 (11th Cir. 2008).

Accordingly, because of frivolity and failure to state a claim, the action is **DISMISSED.**

SO ORDERED, this the 24th day of February, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT